

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JOHNNY TURNER**

**PLAINTIFF**

**v.**

**No. 1:09CV249-A-D**

**STATE OF MISSISSIPPI, ET AL.**

**DEFENDANTS**

**ORDER DENYING PETITIONER'S MOTION [17]  
TO RECONSIDER THE COURT'S DISMISSAL  
OF THE INSTANT PETITION FOR A WRIT OF *HABEAS CORPUS***

This matter comes before the court on the petitioner's motion [17] for the court to reconsider the April 19, 2010, memorandum opinion and final judgment dismissing the instant petition for a writ of *habeas corpus* as untimely filed. The memorandum opinion stated that the petitioner had not filed a response to the state's motion to dismiss, when in fact the petitioner had filed a response prior to the court's decision. Although the petitioner's response was untimely, the court has nonetheless considered it for the purposes of the present motion. Turner's *habeas corpus* petition was dismissed because it was filed well over a year after the one-year limitations period had expired. In his response, Turner simply does not address the timeliness of his petition; instead, he seeks to argue the merits. As Turner has not addressed the dispositive issue of timeliness, the instant motion [17] to reconsider is **DENIED**.

**SO ORDERED**, this the 1st day of June, 2010.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**